



DECLARATION FOR PATENT APPLICATION

As the below-named inventors, we hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled STEROIDOGENIC FACTOR-1 PROTEIN VARIANTS AND METHODS OF MAKING SAME, the specification of which

_____ is attached hereto as Attorney Client-Matter No. _____).

 X was filed on July 9, 2003
as Application Serial No. 10/616,897
(Attorney Client-Matter No. 66778-120)

and was amended on (or amended through) _____.
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to myself to be material to patentability as defined in Title 37, Code of Federal Regulations, Sec. 1.56.

Under Sec. 1.56, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (1) It establishes, by itself or in combination with other information,

Inventor: Ingraham and Krylova
Serial No.: 10/616,897
Filed: July 9, 2003
Page 2

a prima facie case of unpatentability of a claim; or (2) It refutes, or is inconsistent with, a position the applicant takes in: (a) Opposing an argument of unpatentability relied on by the U.S. Patent and Trademark Office, or (b) Asserting an argument of patentability.

I hereby claim the benefit under Title 35, United States Code, § 119(e) of the United States provisional application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 that became available between the filing date of the prior application(s) listed below and the filing date of this non-provisional application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
60/395,371	July 12, 2002	Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may

Inventor: Ingraham and Krylova
Serial No.: 10/616,897
Filed: July 9, 2003
Page 3

jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Holly A. Ingraham

Inventor's signature: _____

Date: _____

12/11/03

Residence: San Francisco, California, U.S.A.

Citizenship: United States of America

Mailing Address: 50 Clifford Terrace
 San Francisco, California 94117
 U.S.A.

Inventor: Ingraham and Krylova
Serial No.: 10/616,897
Filed: July 9, 2003
Page 4

Full name of second inventor: Irina Krylova

Inventor's signature: I Krylova

Date: 12/11/03

Residence: Oakland, California, U.S.A.

Citizenship: United States of America

Mailing Address: 543 42nd Street
 Oakland, California 94609
 U.S.A.



PATENT

Client-Matter No.: 66778-120

Applicant: Ingraham and Krylova
Serial No.: 10/616,897
Filed: July 9, 2003
For: STEROIDOGENIC FACTOR-1 PROTEIN VARIANTS AND
METHODS OF MAKING SAME
Group: Unassigned
Examiner: Unassigned

**POWER OF ATTORNEY BY ASSIGNEE
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**

Dear Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints:

CATHRYN CAMPBELL, Registration No. 31,815; DAVID A. GAY, Registration No. 39,200; ANDREA L. GASHLER, Registration No. 41,029; DEBORAH L. CADENA, Registration No. 44,048; ASTRID R. SPAIN, Registration No. 47,956; PAMELA M. GUY, Registration No. 51,228; and MELODY E. CLARK, Registration No. 51,566

as its attorney(s) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71.

Inventor: Ingraham and Krylova
Serial No.: 10/616,897
Filed: July 9, 2003
Atty Docket: 66778-120
Page 2

An assignment of the entire interest in the
above-identified subject application:

[] was recorded on [date] at reel/frame [reel/frame].

[X] is submitted herewith for recording.

Please direct all telephone calls to Cathryn Campbell,
at 858-535-9001 and all correspondence relative to said
application to the following address:

McDERMOTT, WILL & EMERY
4370 La Jolla Village Drive
7th Floor
San Diego, California 92122 USA

Dated: August 14, 2003

ASSIGNEE: THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

Signature: *Susan Y. Nakashima*

Typed Name: Susan Y. Nakashima

Title: Business Manager UCSF OTM

Office of ~~Technology Transfer~~ *the President* *S.N.*
1111 Franklin Street, 12 Floor
Oakland, CA 94607-5200



PATENT

Client-Matter No.: 66778-120

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
Ingraham and Krylova)
Serial No. 10/616,897)
Filed: July 9, 2003)
For: STEROIDOGENIC FACTOR-1)
PROTEIN VARIANTS AND)
METHODS OF MAKING SAME)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SMALL ENTITY STATEMENT

The U.S. Patent and Trademark (USPTO) permits parties that establish status as a Small Entity to pay certain reduced fees (all citations to 37 C.F.R. § 1.27 except as noted). To be entitled to Small Entity Status, a party must be at least one of the following:

(1) Individual person:

An individual person, including an inventor and persons to whom an inventor has transferred some rights in the invention. § 1.27(a)(1).

(2) Small business concern:

A business concern whose number of employees, including affiliates, does not exceed 500 persons. § 1.27(a)(2) (incorporating 13 C.F.R. § 121.802).

"Business concern" means individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust or cooperative. If the concern is a joint

Inventor: Ingraham and Krylova
Serial No.: 10/616,897
Filed: July 9, 2003
Page 2

venture, participation by foreign business entities may not be more than 49%. 13 C.F.R. § 121.105.

The "number of employees" is the average number of employees, including the employees of its domestic and foreign affiliates, based on numbers of employees for each of the pay periods for the preceding completed 12 calendar months.

"Employees" includes all individuals employed on a full-time, part-time, temporary, or other basis. Part-time and temporary employees are counted the same as full-time employees. If a concern has not been in business for 12 months, use the average number of employees for each of the pay periods it has been in business. 13 C.F.R. § 121.106.

Concerns are "affiliates" of each other when one concern directly or indirectly controls or has the power to control the other, or when a third party or parties controls or has the power to control both concerns. 13 C.F.R. § 121.103(a).

(3) Nonprofit organization:

A university or other institution of higher education located in any country. § 1.27(a)(3)(ii)(A).

An organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a). Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(B), (D).

A nonprofit scientific or educational organization qualified under a nonprofit organization statute of a U.S. state. Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(C), (D).

Inventor: Ingraham and Krylova
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Page 3

Please note that a license to the Government resulting from a rights determination under Executive Order 10096 does not constitute a license that would prohibit claiming Small Entity Status. Similarly, for small business concerns and nonprofit organizations, a license to a Federal agency resulting from a funding agreement with that agency under 35 U.S.C. § 202(c)(4) is not a license that would prohibit claiming Small Entity Status. § 1.27(a)(4).

I hereby assert that I am empowered to sign on behalf of the party identified below ("Party"). Persons empowered to sign include, but are not limited to, an inventor him- or herself or an authorized officer of an assignee or licensee. See § 1.27(c)(2).

I have made a determination of the Party's entitlement to Small Entity Status, including a determination that all parties holding rights in the invention qualify for Small Entity Status. § 1.27(f).

I hereby assert that the Party has not assigned, granted, conveyed or licensed--and is under no obligation under contract or law to do so--any rights in the invention to any other party that would not qualify as a Small Entity. The other party having rights in the invention is: The Regents of the University of California. Separate assertions of Small Entity Status should be obtained from each party having rights to the invention.

I hereby assert that the Party is entitled to be accorded Small Entity Status by the USPTO for the application or patent identified above. § 1.27(c)(1).

Inventor: Ingraham and Krylova
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Filed: July 9, 2003
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I understand that Small Entity Status must be newly determined when the issue fee and each maintenance fee is due. If there is any change resulting in loss of entitlement to Small Entity Status, I acknowledge the duty to file a notification to the USPTO in this application or patent before or upon paying the fee. § 1.27(g).

I understand that Small Entity Status must be separately established in any related application, including continuation, divisional, continuation-in-part, continued prosecution application or reissue application. § 1.27(c)(4).

I understand that any attempt to establish Small Entity Status improperly, deceptively or fraudulently will be considered a fraud practiced on the USPTO and may result in abandonment of the application or jeopardize the validity and enforceability of any resulting patent. § 1.27(h).

December 16, 2003

Date

Scott M. Thacher

Name: Scott M. Thacher

Title: CEO

Orphagen Pharmaceuticals
3857 Birch Street, Suite 492
Newport Beach, California 92660



PATENT
Client-Matter No.: 66778-120

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
 Ingraham and Krylova)
)
Serial No. 10/616,897)
)
Filed: July 9, 2003)
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For: STEROIDOGENIC FACTOR-1)
 PROTEIN VARIANTS AND)
 METHODS OF MAKING SAME)
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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(1) Individual person:

An individual person, including an inventor and persons to whom an inventor has transferred some rights in the invention. § 1.27(a)(1).

(2) Small business concern:

A business concern whose number of employees, including affiliates, does not exceed 500 persons. § 1.27(a)(2) (incorporating 13 C.F.R. § 121.802).

"Business concern" means individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust or cooperative. If the concern is a joint venture, participation by foreign business

Inventor: Ingraham and Krylova
Serial No.: 10/616,897
Filed: July 9, 2003
Page 2

entities may not be more than 49%. 13 C.F.R.
§ 121.105.

The "number of employees" is the average number of employees, including the employees of its domestic and foreign affiliates, based on numbers of employees for each of the pay periods for the preceding completed 12 calendar months.

"Employees" includes all individuals employed on a full-time, part-time, temporary, or other basis. Part-time and temporary employees are counted the same as full-time employees. If a concern has not been in business for 12 months, use the average number of employees for each of the pay periods it has been in business. 13 C.F.R. § 121.106.

Concerns are "affiliates" of each other when one concern directly or indirectly controls or has the power to control the other, or when a third party or parties controls or has the power to control both concerns. 13 C.F.R. § 121.103(a).

(3) Nonprofit organization:

A university or other institution of higher education located in any country. § 1.27(a)(3)(ii)(A).

An organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a). Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(B),(D).

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Inventor: Ingraham and Krylova
Serial No.: 10/616,897
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Page 3

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I hereby assert that I am empowered to sign on behalf of the party identified below ("Party"). Persons empowered to sign include, but are not limited to, an inventor him- or herself or an authorized officer of an assignee or licensee. See § 1.27(c)(2).

I have made a determination of the Party's entitlement to Small Entity Status, including a determination that all parties holding rights in the invention qualify for Small Entity Status. § 1.27(f).

I hereby assert that the Party has not assigned, granted, conveyed or licensed--and is under no obligation under contract or law to do so--any rights in the invention to any other party that would not qualify as a Small Entity. The other party having rights in the invention is: Orphagen Pharmaceuticals. Separate assertions of Small Entity Status should be obtained from each party having rights to the invention.

I hereby assert that the Party is entitled to be accorded Small Entity Status by the USPTO for the application or patent identified above. § 1.27(c)(1).

Inventor: Ingraham and Krylova
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Filed: July 9, 2003
Page 4

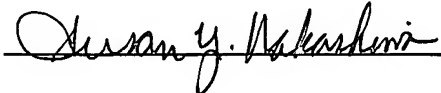
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I understand that Small Entity Status must be separately established in any related application, including continuation, divisional, continuation-in-part, continued prosecution application or reissue application. § 1.27(c)(4).

I understand that any attempt to establish Small Entity Status improperly, deceptively or fraudulently will be considered a fraud practiced on the USPTO and may result in abandonment of the application or jeopardize the validity and enforceability of any resulting patent. § 1.27(h).

August 14, 2003

Date



Name: Susan Y. Nakashima

Title: Business Manager UCSF OTM

The Regents of the
University of California
Office of ~~Technology Transfer~~ *the President (SU)*
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200



STATEMENT UNDER 37 C.F.R. § 3.73(b)

Title of Application: STEROIDOGENIC FACTOR-1 PROTEIN
VARIANTS AND METHODS OF MAKING SAME

Application Ser. No.: 10/616,897

Filed: July 9, 2003

Inventor(s): Ingraham and Krylova

Attorney Client-Matter No.: 66778-120

The Regents of the University of California, a University, states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the application. A copy of the executed assignment, submitted for recording, is attached hereto as documentary evidence of the chain of title to the assignee.

The undersigned is empowered to sign this statement on behalf of the assignee.

Date: August 14, 2003

Signature: *Susan Y. Nakashima*

Name: Susan Y. Nakashima

Title: Business Manager UCSF OTM

ASSIGNMENT

COPY

U.C. Case No.: SF2001-103-2 MWE Client-Matter No.: 66778-120

For good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR(S),

1. Holly A. Ingraham

2. Irina Krylova

hereby sells, assigns and transfers to ASSIGNEE, The Regents of the University of California, A California Corporation, having its statewide administrative offices located at 1111 Franklin Street, 12th Floor, Oakland, CA 94607-5200, and the successors, assigns and legal representatives of the ASSIGNEE all of its right, title and interest for the United States and its territorial possessions and in all foreign countries in and to, any and all improvements which are disclosed in the invention entitled:

and which is found in

a) ___ U.S. provisional application filed herewith and listing the above named persons as inventors

(b) ___ U.S. patent application filed herewith and listing the above named persons as inventors

(c) X U.S. application serial no. 10/616,897,
filed on July 9, 2003

(d) ___ U.S. Patent No.: , issued

and any legal equivalent thereof in a foreign country, including the right to claim priority and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, continuation-in-part, extension, conversion to 35 USC 111(a) or substitute thereof, and any reissue, reexamination or extension of said Letters Patent and all rights under all International Conventions for the Protection of Industrial Property;

ASSIGNOR(S) hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

Inventor: Ingraham and Krylova
Serial No.: 10/616,897
Filed: July 9, 2003
Page 2

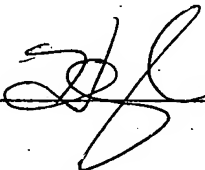
ASSIGNOR(S) further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation, or proceeding relating thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue or enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof. An attorney of record is authorized and requested by the execution of this assignment to insert into this assignment the filing date and serial number of said application when officially known.

AND the ASSIGNOR(S) requests the Director of the United States Patent and Trademark Office to issue said Letters Patent of the United States and any reissue or extension thereof to the ASSIGNEE, The Regents of the University of California.

Executed this

Signatures of Inventor(s)

7 day of December, 2003



11 day of December, 2003

IKrylova

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

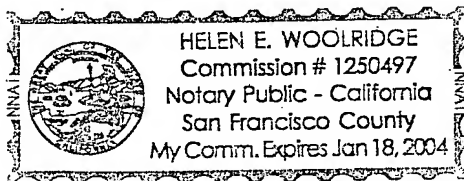
County of SAN FRANCISCO } ss.

On DECEMBER 11, 2003, before me, HELEN E. WOOLRIDGE, NOTARY PUBLIC
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared HOLLY ANN INGRAHAM
Name(s) of Signer(s)

- ☐ personally known to me
☒ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.

Helen E. Woolridge
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: ASSIGNMENT

Document Date: _____ Number of Pages: 2 pgs

Signer(s) Other Than Named Above: IRENE KRYLOVA

Capacity(ies) Claimed by Signer

Signer's Name: _____

- ☒ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

SAN FRANCISCO

SS.

On December 11, 2003, before me,

Date

HELEN E. WOOLRIDGE, Notary Public

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

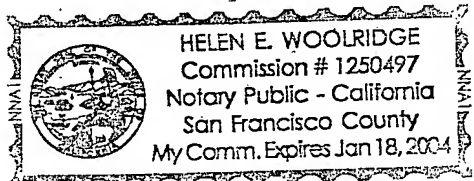
personally appeared

IRENE KRYLOVA

Name(s) of Signer(s)

- ☐ personally known to me
☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

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Signature of Notary Public

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Title or Type of Document:

ASSIGNMENT

Document Date:

Number of Pages:

2 pages

Signer(s) Other Than Named Above:

HOLLY ANN INGRAM

Capacity(ies) Claimed by Signer

Signer's Name:

☒ Individual

☐ Corporate Officer — Title(s):

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other:

Signer Is Representing:

RIGHT THUMBPRINT OF SIGNER

Top of thumb here



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

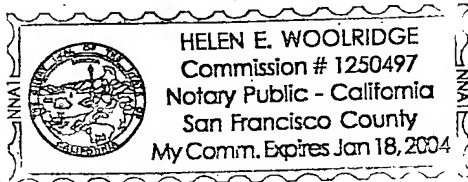
County of SAN FRANCISCO } ss.

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personally appeared HOLLY ANN INGRAHAM
Name(s) of Signer(s)

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Description of Attached Document

Title or Type of Document: DECLARATION FOR PATENT APPLICATION

Document Date: _____ Number of Pages: 4 pages

Signer(s) Other Than Named Above: IRENE KRIVLOVA

Capacity(ies) Claimed by Signer

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

SAN FRANCISCO

SS.

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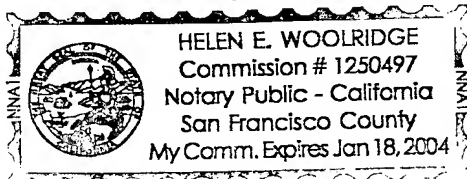
personally appeared

IRENE KRYLOVA

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Document Date:

Number of Pages:

4

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HOLLY AND INGRAHAM

Capacity(ies) Claimed by Signer

Signer's Name:

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

